

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 25-26 and 28-47 are pending in the present application. Claims 25-26 and 28-34 have been amended to address the formal matters raised in the outstanding Official Action. Claims 36-47 have been added. Support for new claims 36-47 may be found in the present specification at page 14, line 25 to page 15, line 5; page 15, lines 1-5; and page 17, lines 5-10.

In the outstanding Official Action, claims 25-26 and 30-32 were objected to for containing several informalities. Applicants would like to thank the Examiner for his suggestion as to how to overcome these objections and believe that claims 25-26 and 30-32 have been amended so as to overcome these objections.

Claims 25, 26 and 28-34 were rejected under 35 USC 112, second paragraph, for allegedly being indefinite. Applicants believe that the present amendment obviates this rejection.

In imposing the rejection, the Office Action alleged that the term "h" was indefinite. However, applicants have amended the claims to indicate that the term "h" corresponds to a number of groups that are recited in a Markush group. As a

result, applicants believe that h is definite to one skilled in the art.

Applicants would like to thank the Examiner for the suggestion as to how to overcome the indefiniteness rejection concerning the definition of "u". Applicants believe that this is supported in the present specification at page 9, lines 25-30.

Likewise, applicants would like to thank the Examiner for his suggestions as to how to overcome the indefiniteness rejection concerning the variables "p" and "q". Applicants believe that the changes to the claims are supported in the present specification at page 13, lines 1-10.

As to the expression " $\text{NH}_3^+ = m = p+j+1$ ", applicants note that the expression has been amended to recite " $\text{NH}_3^+ = m = p+j$ ". As a result, believe that the phrase is definite to one skilled in the art.

Claims 30-32 were rejected under 35 USC 112, first paragraph, for allegedly not satisfying the written description requirement.

However, claims 30-32 have been amended to recite that these cells are contacted with the oligomeric conjugate according to claim 25. As a result, applicants believe that the new matter objection has been obviated.

Claims 25, 26, 33 and 34 were rejected under 35 USC 103(a) as allegedly being unpatentable over MIDOUX et al. This rejection is respectfully traversed.

The teaching of WO 98/22 610 disclosed not enough information allowing one skilled in the art to choose a degree of polymerization and a percentage of substitution of oligomers enabling one skilled in the art to transfer oligonucleotides as recited in the claimed invention.

For example, as shown in table 1, page 39 of the specification, when DP is equal to 36 and 190 and the histidine substitution is less than 50%, the transfection with DNA is very efficient whereas it is not efficient with ODN. When DP is equal to 36 (higher than the DP limit of the present invention) and the histidine substitution is equal to 53% (higher than the limit of WO 98/22 610 "at least 10%, advantageously 15% to 45%"), the transfection efficiency with DNA (0-10%) as well as with ODN (20%) is very weak.

Therefore while the WO 98/22 610 publication is appropriate for DNA transfection, the claimed invention is appropriate for oligonucleotide transfection.

Thus, in view of the above, applicants believe that the WO 98/22 610 publication fails to disclose or suggest the claimed invention.

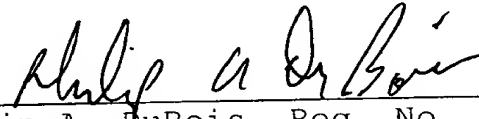
In view of the present amendment and the foregoing remarks, therefore, applicants believe that this application is

in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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